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WESTCHESTER SURPLUS LINES INSURANCE COMPANY

7  
8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **(San Francisco)**

11  
12 SIERRA BAY CONTRACTORS, INC., A  
California Corporation,

13 Plaintiff,

14 v.

15 WESTCHESTER SURPLUS LINES  
16 INSURANCE COMPANY, a Georgia  
corporation, and ROES 1 through 50,  
17 inclusive,

18 Defendants.

19  
20 AND RELATED CROSS-ACTIONS

CASE NO: 3:10-CV-04611-RS

**STIPULATION AND [PROPOSED]  
ORDER FOR DISMISSAL OF  
INTERSTATE FIRE & CASUALTY  
COMPANY**

21  
22 Pursuant to F.R.C.P. 41, Defendant and Third-Party Plaintiff Westchester Surplus Lines  
23 Insurance Company ("Westchester"), and Third-Party Defendant and Cross-Claimant, Interstate  
24 Fire & Casualty Company ("Interstate"), have agreed and hereby stipulate to the dismissal of  
25 Interstate from Westchester's Third-Party Complaint, with prejudice, subject to said parties'  
26 mutual waiver of costs. Said parties request the Court's approval and execution of the below  
27 proposed order for dismissal.

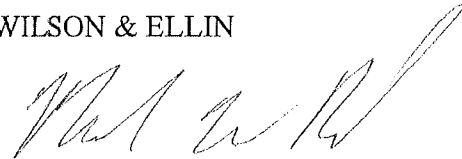
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1 IT IS SO STIPULATED.

2 DATE: November 14, 2012

WILSON & ELLIN

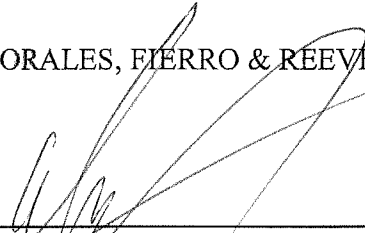
3  
4 By:

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6 Mark W. Peck  
7 Attorneys for Third-Party Defendant and Cross-Claimant  
8 INTERSTATE FIRE & CASUALTY COMPANY

9 DATE: November 16, 2012

MORALES, FIERRO & REEVES

10  
11 By:


12   
13 David A. Astengo  
14 Attorneys for Defendant and Third-Party Plaintiff  
15 WESTCHESTER SURPLUS LINES INSURANCE  
16 COMPANY

17 **[PROPOSED] ORDER OF PARTIAL DISMISSAL**

18 Having reviewed the above stipulation, the Court orders that Defendant and Third-Party  
19 Plaintiff, Westchester Surplus Lines Insurance Company's Third-Party Complaint against Third-  
20 Party Defendant and Cross-Claimant Interstate Fire & Casualty Company, be dismissed, with  
21 prejudice. The remainder of the Third-Party Complaint shall not be changed or impacted by this  
22 Order.

23 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

24 Date: 11/21/12

25   
26 United States District Court  
27 District of Northern California  
28